

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GLEN ETTMAN

Claimant,

**ANSWER**

-against-

08 Cv 4326 (RPP)

THE NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND i/s/h/a  
NY DISTRICT COUNCIL OF CARPENTERS

Defendant.

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Defendants, THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS PENSION  
FUND i/s/h/a NY DISTRICT COUNCIL OF CARPENTERS, by its attorneys O'DWYER &  
BERNSTIEN, LLP, hereby answers the Notice of Claim and Summons to Appear as follows:

1. Defendant denies the allegations contained in Claimant's Notice of Claim and  
Summons to Appear.

**DEFENSES**

**FIRST DEFENSE**

2. The Notice of Claim and Summons to Appear fails to state a cause of action upon which  
relief may be granted.

**SECOND DEFENSE**

3. Claimant's claim in the Notice of Claim and Summons to Appear is time barred, in  
whole or in part, by the applicable statute of limitations.

**THIRD DEFENSE**

4. The Notice of Claim and Summons to Appear is barred by the doctrine of laches.

**FOURTH DEFENSE**

5. The Notice of Claim and Summons to Appear is barred by the doctrine of unjust enrichment.

**FIFTH DEFENSE**

6. The Notice of Claim and Summons to Appear is barred by Plaintiff's failure to exhaust administrative remedies prior to filing suit.

**WHEREFORE**, Defendant requests judgment against Claimant with respect to the claims asserted in the Notice of Claim and Summons to Appear, dismissing the Notice of Claim and Summons to Appear in the above action, together with costs and disbursements and any other relief this Court deems just and proper.

Yours, etc,

O'DWYER & BERNSTIEN, LLP  
Attorneys for Defendant

By:

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Dated: New York, New York  
May 13, 2008